



JFM

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hojung LEE et al.

Group Art Unit: 1614

Application No.: 10/743,523

Examiner: C. RAE

Filed: December 23, 2003

Docket No.: 118109

For: COSMETIC COMPOSITION OF FOUNDATION TYPE FOR MAKING UP DARK SKINS

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 29, 2007 Restriction and Election of Species Requirement,

Applicants provisionally elect Group V, claims 74, 75, and 79–86, and as a Species:

- method: making up dark skin;
- coloring agent: brown, yellow, or black iron oxide, coated with perfluoroalkyl phosphate; and
- reflective particles: mica-brown iron oxide

with traverse. At least claims 74, 75, 79, 80, 85, and 86 read on the elected species. None of the claims are generic to all species.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims or species would encompass a search for the subject matter of the remaining claims or species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the

search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination, and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:JRB

Date: April 30, 2007

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